

NATIVIDAD GONZAGA, IGNACIA GONZAGA, GREGORIO GONZAGA, FELISA GONZAGA, ASSISTED BY HER HUSBAND SERGIO SAISON, PLAINTIFFS AND APPELLANTS, MIGUEL GONZAGA, PLAINTIFF, VS. ESTEBAN M....

G.R. No. 45338. June 26, 1939

Ponente: AVANCEÑA, C.J.

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AVANCEÑA, C.J.:

Gregorio Gonzaga contracted a first marriage on August 28, 1861, with Isabel Escobar, with whom he had two children, Natividad Gonzaga and Vicente Gonzaga. The latter, who died on May 19, 1899, was married to Irene Garcia, with whom he had three children, named Ignacia, Gregorio and Felisa. He also had a recognized natural child, Miguel.

After the death of his first wife Isabel Escobar, Gregorio Gonzaga contracted a second marriage with Basilia Lim, with whom he had two children, named Dolores and Magdalena. Dolores married Esteban Guanzon with whom she had a child named Consuelo. Upon the death of Dolores Guanzon, Esteban contracted a second marriage with Magdalena, sister of Dolores, with whom he had four children named Emilio, Mariano, Dolores and Felix.

The plaintiffs in this case are Natividad Gonzaga, child of Gregorio Gonzaga, and Ignacia, Gregorio, Felisa and Miguel Gonzaga, children of Vicente.

The defendants are Esteban Guanzon, and the latter's children by his two marriages, Consuelo Guanzon, Emilio Guanzon, Mariano Guanzon, Dolores Guanzon and Felix Guanzon.

The complaint states three causes of action. The first refers to lot No. 8 mentioned in the complaint. The second refers to lots Nos. 76, 78, 401 and 408 also mentioned in the complaint. The third refers to lots 971, 973, 1625 and 1626, forming the hacienda known as Nuestra Senora de La Paz. Lot No. 8 of the first cause of action and lots 76, 78, 401 and 408 of the second cause of action originally belonged to Gregorio Gonzaga and the hacienda Nuestra Senora de la Paz was later acquired by Gregorio Gonzaga and his second wife, Basilia Lim.

The plaintiffs pretend to have a right to and claim their share in all these properties as heirs of Gregorio Gonzaga. The defendants allege having obtained these properties not through inheritance but by other legal means of acquisition.

The Court of First Instance which originally took cognizance of this case absolved the defendants from the complaint.

The evidence shows that lot No. 8, subject-matter of the first cause of action, was acquired by Gregorio Gonzaga on April 8, 1867, thereafter obtaining, on December 3, 1894, a title granted by the State to this lot. On May 20, 1901, Gregorio Gonzaga mortgaged this lot to Manuel Lopez and in November of the same year, he sold it to Alexandra Gonzaga on condition that the latter assume the mortgage in favor of Manuel Lopez. On September 21

of the following year, 1902, Alexandra Gonzaga sold the same lot to the sisters Dolores and Magdalena Gonzaga Lim, the latter also assuming the mortgage in favor of Manuel Lopez, which mortgage was subsequently redeemed by Esteban Guanzon and finally cancelled. On July 15, 1915, in the cadastral proceedings which included this lot, Esteban Guanzon laid claim upon it, and on August 25th of the same year, the court adjudicated one-half thereof to Esteban Guanzon and the other half to the latter's children, and on the same date issued the corresponding decree of registration. On July 25, 1921, Esteban Guanzon sold his share to Consuelo Guanzon and on January 17, 1930, his other children, Emilio, Mariano, Dolores and Felix also sold their shares to the same Consuelo Guanzon, the latter having thus acquired the whole lot.

In his will executed on March 6, 1899, Gregorio Gonzaga stated that his first wife, Isabel Escobar, did not contribute any property to the marriage and that no conjugal properties were acquired during the said marriage. On February 22, 1922, the plaintiff Natividad Gonzaga ratified, by a notarial document, the sale of lot No. 8 made by her father Gregorio Gonzaga in favor of Alexandra Gonzaga, as well as mortgage in favor of Manuel Lopez. Finally, it appears that in a case instituted by Irene Garcia, the latter, on behalf of her children, the plaintiffs Ignacia, Gregorio and Feliza, against Gregorio Gonzaga, renounced all claim to this lot No. 8.

As to lots 76, 78, 401 and 408 referred to in the second cause of action, the evidence shows that lot 76 was originally the undivided property of Alejandra Gonzaga and Basilia Lim, and that Esteban Guanzon acquired from Alejandra the half corresponding to her and Basilia gave the other half as a present to Dolores and Magdalena about twenty-five years ago; that lot 78 belonging to Basilia Lim was by the latter also given as a present to her said children Dolores and Magdalena, and lots 401 and 408, originally belonging to Gregorio Gonzaga, were by him conveyed to Esteban Guanzon. Subsequently in the cadastral proceedings which included these lots, the defendants laid claims thereon and obtained in their names the decree of registration therefor.

As to lots 971, 973, 1625 and 1626, which now form the hacienda Nuestra Senora de la Paz and which formerly belonged to the spouses Gregorio Gonzaga and Basilia Lim, the evidence is to the effect that Esteban Guanzon acquired them from said spouses, thereafter applying for the registration thereof and obtained the decree of adjudication and registration in his name on March 3, 1914.

It thus appears from the evidence, both oral and documentary, consisting in public deeds duly registered, that the defendants have acquired the lots in question which, finally, were the subject matter of decrees of registration in their favor: lots 8, 76, 78, 401, 408 and 973 in August, 1915, lots 971 and 1625 in May, 1914, and lot 1626 in November, 1915. The defendants have held these properties as owners and publicly from the time of their acquisition, thus continuing the possession of their predecessors-in-interest up to the present time. Not only on the strength of these acquisitions, but also on the strength of the decrees of registration obtained in their favor, the defendants are fully clothed with the right of ownership over the properties referred to in the complaint.

The plaintiffs have not presented sufficient evidence in support of their allegations of fraud as to the acquisition of these properties by the defendants. On the other hand, due to the period that has elapsed from the date of these acquisitions to the commencement of this action by the plaintiffs, the latter may not question the validity of these acquisitions or assail the force of the decrees of registration of the lands in favor of the defendants. Their right of action to this effect has prescribed, without any exception, not even by reason of age, for the youngest among the parties interested, Felisa, reached her majority sixteen years before the present action was filed. Neither do we find merit in the allegation that the defendants held these properties in trust, or as coheirs, because this is belied by the established fact that their possession thereof is public and as owners, and that in this capacity they acquired the same and, finally, they applied for and obtained the registration thereof in their names without any opposition.

As to the Philippine National Bank the evidence shows that on September 24, 1931, Esteban Guanzon sold to its

lots 971 and 1625, and by virtue of this sale, the corresponding certificate of title was issued in its favor. The Bank did not have knowledge of any defect in the title of Esteban Guanzon. The complaint as to it is completely devoid of merit, not only because Esteban Guanzon was really the owner of these lots and had a right to sell them, but also because there was nothing in his title which precludes him from making the sale. At least, the Bank was an innocent purchaser.

We affirm the appealed judgment, with the costs to the appellant. So ordered.

Villa-Real, Imperial, Diaz, Laurel, and Moran, JJ., concur.

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